

CITY COUNCIL AGENDA

MARCH 21, 2017

SYNOPSIS

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or City.Clerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:35 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: None.
- **Invocation (District 3)**
The New Ballet Studio Company offered a performance for the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day — *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved, with Item 3.5 deferred to March 28, 2017 per Administration, and the hearing to be left open for Item 7.1, San José Clean Energy Update.
- **Closed Session Report — *None provided.***

1. CEREMONIAL ITEMS

1.1 **Presentation of a proclamation declaring the week of March 20, 2017 “Science Fair Week” in the City of San José. (Carrasco)**

Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Forrest Williams presented a proclamation declaring the week of March 20, 2017 “Science Fair Week” in the City of San José.

2. CONSENT CALENDAR

2.1 **Approval of City Council Minutes.**

None provided

2.2 **Final Adoption of Ordinances.**

None provided

2.3 **Approval of Council Committee Minutes.**

Recommendation: Approval of Council Committee Minutes.

- (a) Public Safety, Finance and Strategic Support Committee Minutes of February 16, 2017. (Perez)
 - (b) Community and Economic Development Committee Minutes of February 27, 2017. (Khamis)
 - (c) Rules and Open Government Committee Minutes of March 1, 2017. (Mayor)
- CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities.

Approved.

2.4 **Mayor and Council Excused Absence Requests.**

None provided

2.5 **City Council Travel Reports.**

None provided

2.6 **Report from the Council Liaison to the Retirement Boards.**

None provided

2.7 **City Auditor’s Travel to Atlanta, GA.**

Recommendation: Approve travel by Sharon Erickson, City Auditor, to Atlanta, Georgia on May 22 – 23, 2017 to attend the Association of Local Government Auditors 2017 Annual Conference. Source of Funds: City Auditor non-personal appropriation and professional development funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (City Auditor)

Approved.

2. CONSENT CALENDAR

2.8 Amendment to the Agreement with California Waste Solutions, Inc. for Recycling Collection Services. *RENUMBERED*

Recommendation: Approve the First Amendment to the Agreement between the City of San Jose and California Waste Solutions, Inc. (CWS) to increase compensation to CWS for the Large Item Collection service from \$26.86 to \$46.00 through the remaining term of the Agreement and to make service enhancements to the large item collection program. CEQA: 2010 Solid Waste Service Agreements Negative Declaration, File No. PP10-055. (Environmental Services)

Renumbered to Item 7.2.

See Item 7.2 for action taken.

2.9 Actions Related to Councilmember Khamis' Travel to Chengdu City, Szechuan, China.

Recommendation:

- (a) Approve travel by Councilmember Khamis to Chengdu City, Szechuan, China from March 29 to April 3, 2017 as an official representative of the City of San José for the Smart City Forum and International Tourism Festival. Source of Funds: US-China Friendship City Network, 501(c)(3) nonprofit.
- (b) Request for an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:
 - (1) March 29, 2017 Rules and Open Government Committee and Committee of the Whole; and
 - (2) March 30, 2017 City Council Study Session.
- (c) Approve the receipt of gifts of air travel and meals received in an official capacity as a representative of the City in accordance with the San José Municipal Code section 12.08.040(c). While the City could reimburse for the meals, they will be provided as a gesture to foster a good working relationship between the City of San José and Chengdu City.

CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (Khamis)

Approved.

2.10 Actions Related to Mayor's Staff Travel to New York City, NY.

Recommendation: Approve travel by the Mayor's staff, Shireen Santosham, Chief Innovation Officer, to New York City from March 27 to March 29, 2017 for the Bloomberg What Works City Conference. Source of Funds: Bloomberg Philanthropies (cost of travel, lodging and food). CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (Mayor)

Approved.

2. CONSENT CALENDAR

2.11 Assyrian New Year Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on March 15, 2017:

- (a) Retroactively approve the Assyrian New Year (Assyrian Flag Raising) Ceremony scheduled on Tuesday, March 21, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)
[Rules Committee referral 3/15/17 – Item G.1.a.]

Approved.

2.12 Annual Greek Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on March 15, 2017:

- (a) Approve the Annual Greek Flag Raising Event scheduled on Monday, March 27, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)
[Rules Committee referral 3/15/17 – Item G.1.b.]

Approved.

2.13 AB 814 (Bloom) – Consumer Protection: Enforcement Powers for City Attorney.

Recommendation: As recommended by the Rules and Open Government Committee on March 15, 2017, adopt a position of support for AB 814 (Bloom) so that the City's Legislative Representatives can advocate the City's support position for AB 814. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (City Attorney)
[Rules Committee referral 3/15/17 – Item G.3.]

Approved.

2.14 District 9 Grant for District 9 School.

Recommendation: As recommended by the Rules and Open Government Committee on March 15, 2017, approve a \$1,800 grant to Branham High School for their Sports Booster Club to support student programs and activities. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Rocha)
[Rules Committee referral 3/15/17 – Item G.4.]

Approved.

2. CONSENT CALENDAR

2.15 Neighborhoods Commission.

Recommendation: As recommended by the Rules and Open Government Committee on March 15, 2017:

- (a) Direct staff to bring forward recommendations on how the structure and scope of the Neighborhoods Commission could be revised or clarified to promote the success of the Commission and also to ensure that staff resources used to support the Commission are deployed efficiently. These recommendations should come to Council on a timeline established by the City Manager's Office that allows the Council to consider them in a timely fashion. Staff should have the freedom to make any recommendations they think would be beneficial to the Commission's work, but should at minimum consider the following items, as further detailed in the memorandum to Council: Size of the Commission; Appointment Process; Commission Scope; and Commission Staffing.
- (b) Direct staff to invite the Neighborhoods Commission to a retreat to discuss the above issues or other issues of concern. A retreat would be an opportunity for commissioners to discuss these issues amongst themselves and with staff, and potentially make recommendations to the City Council. Given their personal experience serving on the Commission, feedback from commissioners would be very valuable to the Council in its deliberations on this issue.

CEQA: Not a Project, File No. PP15-069, City Organizational & Administrative Activities. (Rocha)

[Rules Committee referral 3/15/17 – Item G.5.]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas discussed recovery assistance provided to San José residents and offered appreciation to City staff and government agencies that have offered aid. He and Mayor Sam Liccardo offered information on Small Business Administration low-interest disaster loans being offered, indicating that applications must be received by May 19, 2017. The City Manager highlighted the success of the City's 2nd Annual Career Fair that was held last weekend.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

None provided.

3. STRATEGIC SUPPORT SERVICES

3.3 Audit of Our City Forest.

Recommendation: As recommended by the Transportation and Environment Committee on March 6, 2017, accept the audit of Our City Forest. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (City Auditor)
[Transportation and Environment Committee referral 3/6/17 – Item (d)(2)]

Accepted, including direction as outlined in Councilmember Donald Rocha’s memorandum dated March 20, 2017, with the portion relating to fees and charges to be brought back during the budget hearing to allow for further staff analysis.

3.4 Fee Schedule for City-Generated Zone Towing Services Agreements.

Recommendation: Adopt a resolution setting a new fee schedule for City-Generated Zone Towing Services with rates not to exceed the allowable tow fees under the State of California Highway Patrol Tow Services Agreement for the Golden Gate Region- San José Office to take effect March 22, 2017, with the below contractors:

- (a) Matos Auto Towing & Transport
- (b) City Towing, Inc.
- (c) Century Tow
- (d) Motor Body Company, Inc.
- (e) Courtesy Tow Services, Inc.
- (f) Alongi Brothers, Inc.

CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Planning, Building and Code Enforcement)

Deferred to April 4, 2017 to allow staff time to provide additional information.

3.5 2017-2019 Innovation and Technology Strategic Plan.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on March 2, 2017, review and accept the City of San José 2017-2019 Innovation and Technology Strategic Plan. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Assessments that involve no approvals of any City Actions.

[Smart Cities and Service Improvements Committee referral 3/2/17 – Item (d)(2)]

Deferred to 3/28/17 per Administration.

3.6 Updated Response to Santa Clara County Civil Grand Jury Report – An Analysis of Pension and Other Post-Employment Benefits.

Recommendation: Approve the updated response to the 2011-2012 Santa Clara County Civil Grand Jury Report entitled “An Analysis of Pension and Other Post-Employment Benefits.” CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (City Manager)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Construction Tax Modification. *DEFERRED*

Recommendation: As recommended by the Community and Economic Development Committee on January 23, 2017, accept the report and approve an ordinance to:

- (a) Amend Title 4 of the San José Municipal Code to create a temporary partial suspension from the Commercial-Residential-Mobilehome Park Building Tax (SJMC 4.47) to achieve a rate of 1% for the following uses:
 - (1) Office, General Business (SJMC 20.200.813);
 - (2) Office, Research and Development (SJMC 20.200.818); and
 - (3) Data Center (SJMC 20.200.265) to allow the City Council the flexibility to review the uses included and verify that these sectors are being accurately represented this provision shall sunset March 31, 2022.
- (b) Amend Section 4.82.320 of Chapter 4.82 of Title 4 of the San José Municipal Code to authorize the City Manager or designee to compromise or settle tax refund claims for amounts between fifty thousand dollars (\$50,000.00) and a threshold to be determined by the City Council in its consideration of the proposed ordinance, with the written approval of the City Attorney.

CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Economic Development)

(Deferred from 2/14/17 – Item 4.1, and 2/28/17 – Item 4.1)

[Community and Economic Development Committee referral 1/23/17 – Item (d)(2)]

Deferred to 4/4/17 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the St. James Park Management District Fund.

Recommendation:

- (a) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 62 to establish the St. James Park Management District Fund.

Ordinance No. 29894 passed for publication.

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the St. James Park Management District Fund, effective on the date on which the ordinance establishing the St. James Park Management District Fund becomes effective:
 - (1) Establish a Fees, Rates and Charges revenue estimate in the amount of \$1,931,395;
 - (2) Establish a Personal Services appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$33,450;

(Item Continued on the Next Page)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the St. James Park Management District Fund. (Cont'd.)

Recommendation:

- (b) (3) Establish a Non-Personal/Equipment appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$195,000; and
- (4) Establish an Unrestricted Ending Fund Balance in the amount of \$1,702,945.

Ordinance No. 29895 adopted.

Resolution No. 78108 adopted.

With additional direction per the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated March 17, 2017, to (1) Report back in Fall 2017 to City Council with a status update on: (a) Detailed work plan for the park that expands activation and programming year-round and describes enhanced security and maintenance; (b) Spending plan of costs to be paid by the St. James Park management District and prioritization of those costs; and (c) Progress on a long-term governance model; and (2) Include the stakeholders of the St. James Park Advisory Group for input on all of the above. Additionally, to allow negotiation with developers supporting the St. James Park Management District regarding the 50% reduced parkland in-lieu fees rate, to see if a longer term could be negotiated, allowing a more sustainable source of funding.

- (c) Approve the following ongoing position changes in the Department of Parks, Recreation and Neighborhood Services:

<u>Job Classification</u>	<u>FTE</u>
Analyst I/II FT	1.00
Analyst I PT	-0.50
Groundsworker FT	1.00
Recreation Leader PTU	0.25
Total PRNS Position Changes	1.75

CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment; Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism; and Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager)

Approved.

5. NEIGHBORHOOD SERVICES

5.2 Report on Sustainable Park Maintenance.

Recommendation: As recommended by the Neighborhood Services and Education Committee on February 9, 2017, accept the Department of Parks, Recreation and Neighborhood Services' report on Sustainable Park Maintenance. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Staff Reports. (Parks, Recreation, and Neighborhood Services)

[Neighborhood Services and Education Committee referral 2/9/17 – Item (d)(3)]

(Deferred from 2/28/17 – Item 5.1 and 3/14/17 – Item 5.1)

Accepted, with further direction to staff to produce a Manager's Budget Addendum (MBA), including a requirement that the City Manager's Office identify the source of funding for the \$3.5 million of the on-going cost, encouraging a review of non-general fund sources.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José Clean Energy Update.

Recommendation: Accept the staff report on the San José Clean Energy update. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of any City Actions. (Environmental Services)

A staff report, presentations and extensive Q&A ensued, with this item continued to a date to be determined.

7.2 Amendment to the Agreement with California Waste Solutions, Inc. for Recycling Collection Services.

Recommendation: Approve the First Amendment to the Agreement between the City of San Jose and California Waste Solutions, Inc. (CWS) to increase compensation to CWS for the Large Item Collection service from \$26.86 to \$46.00 through the remaining term of the Agreement and to make service enhancements to the large item collection program. CEQA: 2010 Solid Waste Service Agreements Negative Declaration, File No. PP10-055. (Environmental Services)

Renumbered from Item 2.8.

Approved.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

Blair Beekman spoke on public oversight for the City's surveillance issues, offered kudos to the energy program discussed during today's meeting and said 'good-bye' to Dr. Walter Katz.

- Adjournment

The Council of the City of San José adjourned at 8:23 p.m.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10389	1875 Dobbin Drive	3	Dobbin Road Holding Co.	14	MFA	Approval

**HOUSING AUTHORITY OF
THE CITY OF SAN JOSE**

1:30 P.M.

TUESDAY, MARCH 21, 2017

CHAMBERS

- 1. Called to Order at 8:15 p.m.**
- 2. Moving to Work 2018 Annual Plan.**

Recommendation: Board of Commissioners for the Housing Authority of the City of San José (City Housing Authority) authorize the City Housing Authority's Executive Director to submit a letter to the Housing Authority of the County of Santa Clara to support the 2018 Moving to Work Annual Plan. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Housing)
Authorized.

- 4. Adjourn the Housing Authority of the City of San José at 8:21 p.m.**